

# EXHIBIT A

**Subject:** Re: EXTERNAL-CVS Zero Market Share Cases  
**Date:** Tuesday, April 20, 2021 at 1:31:34 PM Mountain Daylight Time  
**From:** Rice, Joe  
**To:** External User - Steven Herman  
**CC:** Weinberger, Peter H., David R. Cohen (David@SpecialMaster.Law), External User - Eric Delinsky, External User - Sasha Miller, External User - Tina Tabacchi, External User - Kelly Moore, Alex Harris  
**Attachments:** image001.png

We are reaching out to all MDL filed cases and the firms that filed them. I am sure that will overlap with some state filed cases. To best of my knowledge after checking with others we do not have a list of addresses for state filed cases. Let's see what happens on the federal cases and then we can decide what if anything to do on state filed cases.

Joseph Rice | Attorney at Law | Motley Rice LLC  
[28 Bridgeside Blvd. | Mt. Pleasant, SC 29464](#)  
o. [843.216.9159](tel:843.216.9159) | f. [843.216.9290](tel:843.216.9290) | [jrice@motleyrice.com](mailto:jrice@motleyrice.com)

On Apr 20, 2021, at 3:15 PM, Herman, Steven <[SHerman@zuckerman.com](mailto:SHerman@zuckerman.com)> wrote:

**EXTERNAL**

Joe,

It would require considerable work for us to assemble the counsel information you seek, and our understanding is that plaintiffs possess email lists and other devices that make this task considerably easier for them. At the very least, plaintiffs should be able to identify with ease which cases involve members of the PEC on the lists provided by CVS and the other pharmacies. If you still need assistance after vetting the cases/firms with the PEC and employing the other tools already available to the PEC, let's discuss. I've spoken with counsel for Rite Aid, Walmart, and Walgreens (who are copied on this email), and, if you identify the firms where you need assistance, we would be open to dividing up the work with you, on that narrower pool, to locate contact information for those firms.

Best Regards,  
Steve

[<image001.png>](#)

Steven Herman  
Zuckerman Spaeder LLP  
[SHerman@zuckerman.com](mailto:SHerman@zuckerman.com)

1800 M STREET NW, SUITE 1000 • WASHINGTON, DC 20036-5807  
202.778.1883 direct • 202.822.8106 fax

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**From:** Rice, Joe <[jrice@motleyrice.com](mailto:jrice@motleyrice.com)>  
**Sent:** Monday, April 19, 2021 11:04 PM  
**To:** Herman, Steven <[SHerman@zuckerman.com](mailto:SHerman@zuckerman.com)>; Weinberger, Peter H. <[PWeinberger@spanglaw.com](mailto:PWeinberger@spanglaw.com)>  
**Cc:** 'David R. Cohen ([David@SpecialMaster.Law](mailto:David@SpecialMaster.Law))' <[david@specialmaster.law](mailto:david@specialmaster.law)>; Delinsky, Eric <[edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)>; Miller, Sasha <[smiller@zuckerman.com](mailto:smiller@zuckerman.com)>  
**Subject:** RE: EXTERNAL-CVS Zero Market Share Cases

**EXTERNAL**

Steve thanks for this but when I opened attachment it does not contain contact information for plaintiff's counsel. Please provide that so we can reach out to help resolve this issue. I am sure when you capture the information on a suit it includes address or email or location for plaintiff's counsel.

**Joseph Rice** | Attorney at Law | Motley Rice LLC  
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464  
o. 843.216.9159 | f. 843.216.9290 | [jrice@motleyrice.com](mailto:jrice@motleyrice.com)

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**From:** Herman, Steven <[SHerman@zuckerman.com](mailto:SHerman@zuckerman.com)>  
**Sent:** Monday, April 19, 2021 8:10 PM  
**To:** Rice, Joe <[jrice@motleyrice.com](mailto:jrice@motleyrice.com)>; Weinberger, Peter H. <[PWeinberger@spanglaw.com](mailto:PWeinberger@spanglaw.com)>  
**Cc:** 'David R. Cohen ([David@SpecialMaster.Law](mailto:David@SpecialMaster.Law))' <[david@specialmaster.law](mailto:david@specialmaster.law)>; Delinsky, Eric <[edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)>; Miller, Sasha <[smiller@zuckerman.com](mailto:smiller@zuckerman.com)>  
**Subject:** EXTERNAL-CVS Zero Market Share Cases

**EXTERNAL**

Dear Joe and Pete,

We write pursuant to Judge Polster's order directing the pharmacy defendants to identify cases in which they have been named as a defendant where they have zero-percent market share. ECF No. 3688. Attached to this e-mail are two lists of cases that we have identified where, based on our investigation, CVS has no market share in the relevant jurisdiction. Pursuant to Judge Polster's order, we request that you dismiss these cases with prejudice.

We continue to evaluate cases to identify additional ones that should be dismissed, pursuant to

Judge Polster's order, and we reserve the right to bring any such cases to your attention as they are identified.

Thank you for your assistance with this process.

Sincerely,  
Steve Herman



Steven Herman  
Zuckerman Spaeder LLP  
[SHerman@zuckerman.com](mailto:SHerman@zuckerman.com)

1800 M STREET NW, SUITE 1000 • WASHINGTON, DC 20036-5807  
202.778.1883 direct • 202.822.8106 fax

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